

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA**

UNITED STATES OF AMERICA

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CRIMINAL DOCKET NO. 11-063

v.

*

SECTION: “C”

VINH K. NGUYEN

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FACTUAL BASIS

The above-named defendant **VINH K. NGUYEN**, has agreed to plead guilty as charged to the Bill of Information now pending against him. Should this matter have proceeded to trial, the United States of America would have proven beyond a reasonable doubt, through the introduction of relevant, competent, and admissible testimonial, physical and demonstrative evidence, the following facts to support the allegation against the defendant, **VINH K. NGUYEN (“NGUYEN”)**:

Unless stated otherwise, all events set forth herein occurred in the Eastern District of Louisiana.

Agents with the Drug Enforcement Administration (“DEA”) along with members of the Terrebonne Narcotics Task Force (“TNTF”) and Jefferson Parish Sheriff’s Office (“JPSO”) had

been conducting an investigation into the suspected trafficking of ecstasy.¹ During the investigation, agents learned that **NGUYEN** was a source of supply of suspected ecstasy for another dealer who would further distribute the controlled substance.

On September 22, 2010, executed a search warrant on a residence in Gretna, Louisiana, in which the defendant **NGUYEN**, and three another male resided. Agents advised **NGUYEN** of his rights. **NGUYEN** informed agents that he had approximately 4,000 pills of ecstasy and approximately two ounces of ecstasy in powder form in a locked closet in his bedroom. He also told agents that he had approximately \$8,000.00 in currency, which was from the sale of the ecstasy pills. He also stated that there was approximately 1,000 pills of ecstasy in a “Sony” box in the garage.

As agents executed the search of the residence, they found the pills, powder, and currency about which **NGUYEN** had talked in the bedroom closet. From the closet, agents seized 5,307 pills, which DEA labeled as Exhibits 6 through 9. Agents labeled the powder seized from the closet as Exhibit 12. The currency seized from the closet totaled \$11,400.00. Agents also seized currency from **NGUYEN**’s wallet, which totaled \$424.00.

Agents additionally seized a total of 1,285 pills from the garage. DEA labeled these as Exhibits 10 and 11.

In a separate bedroom, which was the bedroom of the other male living at the residence, agents found a small amount of pills together with a small amount of suspected marijuana and cocaine. These pills, which were no more than 50 pills, were combined with the pills located in **NGUYEN**’s bedroom for processing and analysis.

¹3,4 - methylenedioxymethamphetamine (“MDMA”).

During the search, agents also discovered plastic baggies, a compact disc with information about growing marijuana indoors, an empty package of synthetic cannabis, an electronic smoking device, latex gloves, disposable gloves, two digital scales, a food packaging sealer, ziplock and plastic bags.

All the narcotics recovered in this matter were tested at the South Central Laboratory in Dallas, Texas, including 6,613 pills. Exhibits 6 through 9, which were the 5,307 pills seized from **NGUYEN's** bedroom closet, contained multiple substances. Specifically, Exhibit 7 had a net weight of 516 grams and tested positive for the presence of MDMA. Exhibits 6, 8, and 9 had a total net weight of 1,188.8 grams and tested positive for the presence of 1-Benzylpiperazine ("BZP").

Exhibits 10 and 11, which were the 1,285 pills seized from the garage, did not test positive for the presence of controlled substances.

Exhibit 12, which was the powder seized from **NGUYEN's** bedroom closet, had a net weight of 51.8 grams and tested positive for the presence of 4-methylmethcathinone.

18 of the remaining pills had a net weight of 2.2 grams and tested positive for zolpidem.

The suspected cocaine, labeled as Exhibits 14 and 16, had a total net weight of 134.7 grams and tested positive for the presence of cocaine hydrochloride.

The suspected marijuana, labeled as Exhibit 15, had a net weight of 9 grams and tested positive for the presence of marijuana.

For purposes of the United States Sentencing Guidelines, **NGUYEN** is responsible for the controlled substances discovered in his own bedroom and bedroom closet, and the residence, but not for the marijuana, cocaine, and less-than-50 pills discovered in the separate bedroom in which another male resided.

KEVIN G. BOITMANN
Assistant United States Attorney

VINH NGUYEN
Defendant

ANDRE BELANGER
Attorney for Defendant